

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA )

v. )

JAMEL JOHNSON )  
\_\_\_\_\_ )

DOCKET NO. 3:20cr 338

**FACTUAL BASIS**

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crimes. The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

**Case 3:20cr 338**

1. From at least May 2020 through July 27, 2020, the Defendant, JAMEL JOHNSON ("JOHNSON") engaged in a scheme to defraud the United States Department of Labor, the State of Wisconsin, and the State of Arizona, by filing fraudulent claims for unemployment insurance (UI) benefits in the names of identity theft victims. During the course of the scheme, JOHNSON fraudulently obtained and attempted to obtain more than \$189,000 in fraudulent unemployment benefits by filing fraudulent in the names of more than seventy victims.

2. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act, Pub. L. No. 116-136, 134 Stat. 281 (March 27, 2020), entitled "Emergency Increase in Unemployment Compensation Benefits," provided for an additional \$600 weekly payment, known as "Federal Pandemic Unemployment Compensation" or "FPUC," to certain eligible individuals who were receiving other UI benefits under state law.

3. The State of Arizona and the State of Wisconsin paid FPUC, a benefit authorized, transported, transmitted, transferred, disbursed, and paid in connection with, a presidentially declared major emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5122).

4. It was part of the scheme to defraud that JOHNSON obtained the identity information of real persons (“Identity Theft Victims”), including names, Social Security Numbers, dates of birth, and addresses, among other information (collectively, “personal identifying information” or “PII”) over the Internet, and elsewhere.

5. It was further part of the scheme to defraud that JOHNSON used the PII of identity theft victims to file fraudulent UI benefit claims to the State of Wisconsin and the State of Arizona.

6. It was further part of the scheme to defraud that JOHNSON directed that payments of the fraudulent UI benefits be made to Green Dot cards or to bank accounts under the control of JOHNSON. For example:

a. On or about June 19, 2020, Defendant JOHNSON submitted or caused to be submitted a fraudulent UI benefit claim to the State of Wisconsin in the name of identity theft victim A.C. The fraudulent UI benefit claim directed that payments be made to a Green Dot account ending in \*3574.

b. On or about July 1, 2020, Defendant JOHNSON submitted or caused to be submitted a fraudulent UI benefit claim to the State of Arizona in the name of identity theft victim L.M. The fraudulent UI benefit claim directed that payments be made to a Sutton Bank account ending in \*5323.

c. On or about July 1 2020, Defendant JOHNSON submitted or caused to be submitted a fraudulent UI benefit claim to the State of Arizona in the name of identity theft victim K.M. The fraudulent UI benefit claim directed that payments be made to a Sutton Bank account ending in \*2514.

7. Between in or about May 2020 and continuing through July 2020, in the Western District of North Carolina, and elsewhere, JOHNSON knowingly executed and attempted to execute a scheme and artifice to defraud and obtain money by means of materially false and fraudulent pretenses, representations, and promises and transmitted and caused to be transmitted by means of wire communication in interstate commerce, any writing, sign, signal, picture, and sound for the purposes of executing said scheme and artifice.


8. The amount of loss that was known to or reasonably foreseeable by the defendant was in excess of \$150,000 but less than \$250,000.

9. The scheme involved more than ten victims.

10. The scheme involved the unauthorized transfer or use of any means of identification unlawfully to produce or obtain any other means of identification.

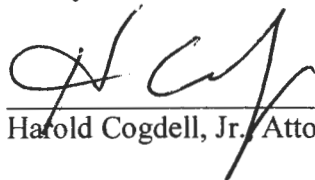
11. The offense involved fraud in connection with a major disaster or emergency benefits.

R. ANDREW MURRAY  
UNITED STATES ATTORNEY

  
Jenny G. Sugar  
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Information, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Information, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis.

  
Harold Cogdell, Jr. Attorney for Defendant

DATED: 9-25-20